

**STATE OF FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Petition for Declaratory Statement)
Regarding the Applicability of the Approved)
Water Service Availability Charges by) Docket No.: 20170258-WU
Harbor Waterworks, Inc. in Lake County)

PETITION TO INTERVENE

Pursuant to Chapter 120, Florida Statutes, and Rules 28-105.0027 and 25-22.039, Florida Administrative Code, Harbor Hills Development LP ("Harbor Hills Development") and Harbor Hills Homeowners' Association, Inc. ("Harbor Hills HOA"), through their undersigned counsel, file this Petition to Intervene. Consistent with the requirements of the applicable Rules, Harbor Hills Development and Harbor Hills HOA state as follows:

1. Name and address of agency. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. Name and address of Petitioner. The name and address of the Petitioner is:

Harbor Hills Development LP
Harbor Hills Homeowners' Association, Inc.
c/o Samuel A. Miller, Esq. and Cecelia Bonifay, Esq.
Akerman LLP
420 South Orange Avenue
Suite 1200
Orlando, Florida 32708
Telephone: 407-423-4000
Facsimile: 407 254 3783
Email: samual.miller@akerman.com
cecilia.bonifay@akerman.com

3. Petitioner's representatives. Copies of all pleadings, notices and orders in this docket should be provided to:

Samual A. Miller, Esq. and Cecelia Bonifay, Esq.
Akerman LLP
420 South Orange Avenue
Suite 1200

Orlando, Florida 32708
Telephone: 407-423-4000
Facsimile: 407 254 3783
Email: samual.miller@akerman.com
cecilia.bonifay@akerman.com

4. Entitlement to Participate. In this Proceeding, Harbor Waterworks, Inc. ("Harbor Waterworks") is requesting that the Public Service Commission issue a declaratory statement regarding the ability of Harbor Waterworks to issue charges for a second irrigation connection to homes in what is known as Phase 6 of the Harbor Hills community.

Harbor Waterworks explicitly explains in its Petition for Declaratory Statement that Harbor Hills Development is the entity who has "contested the separate charges for the irrigation service," which is what led to the filing of the Petition for Declaratory Statement. Harbor Hills Development is the developer of the subject property and would be incurring substantially increase charges if the Public Service Commission issues the requested declaratory statement. Harbor Hills Development is the entity to whom the document consisting of statement of the subject charges was addressed and delivered, as evidenced by the attachment to the Petition for Declaratory Statement. Harbor Waterworks explicitly identifies Harbor Hills Development in Harbor Waterworks' Petition for Declaratory Statement as the "developer . . . [who] has been and is currently building and selling homes in the Phase 6 area known as Bella Vista in the Harbor Hills community." Harbor Waterworks further explains Harbor Hills Development's role with respect to installation of the subject line and future homes to be built. Finally, to the extent that any decision by the Public Service Commission impacts future owners of the subject properties, Harbor Hills Development has a substantial interest that will be affected by the disposition of the requested declaratory statement and Harbor Hills Development is the proper entity to speak on their behalf.

Harbor Hills HOA is a homeowners association representing the current owners of the subject property in the Harbor Hills community. In its Petition for Declaratory Statement, Harbor Waterworks appears to be seeking to apply charges to current homeowners in the subject property (though the Petition for Declaratory Statement is not entirely clear in this and certain other regards). As a homeowners' association for those current property owners, Harbor Hills HOA has a substantial interest that will be affected by the disposition of the requested declaratory statement because those homeowners would be incurring substantially increase charges if the Public Service Commission issues the declaratory statement as requested by Harbor Waterworks.

5. As explained above, Harbor Hills Development's and Harbor Hills HOA's interests are of sufficient immediacy to entitle them to participate in this Proceeding and are of the type that this proceeding is designed to protect. *See Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478 (Fla. 2nd DCA 1981). Harbor Hills Development is the recipient of the document containing the subject charges and the entity from which Harbor Waterworks is seeking to collect. The Public Service Commission has recognized that Homeowners' Associations are interested parties and has allowed Homeowners' Associations to intervene with respect to matters related to charges asserted against homeowners. *See, e.g., In re: Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S*, 2000 Fla. PUC LEXIS 1297, *6-9.

6. Disputed Issues. The disputed issues include, but are not limited to, the following:
- i. Is a Petition for Declaratory Statement the proper procedural mechanism for the requested charges?

- ii. Is Harbor Waterworks entitled to charge a separate service availability charge for a separate irrigation meter?
- iii. Does Harbor Waterworks meet its burden relating to any declaratory statement or any other relief that Harbor Waterworks is seeking?

Harbor Hills Development and Harbor Hills HOA reserve the right to add and address additional issues as they arise.

7. Relief. Harbor Hills Development and Harbor Hills HOA request that they be permitted to intervene as a full party in this docket.

WHEREFORE, Harbor Hills Development and Harbor Hills HOA request that the Public Service Commission enter an order allowing Harbor Hills Development and Harbor Hills HOA to intervene and participate as a full party in this docket.

Dated: January 4, 2018

Respectfully submitted,



Samual A. Miller, Esq.
Florida Bar No.: 34991
Primary Email: samual.miller@akerman.com
Secondary Email: barbara.morrison@akerman.com
Cecelia Bonifay, Esq.
Florida Bar No.: 546992
Primary Email: Cecelia.bonifay@akerman.com
Secondary Email: lisa.jefferson@akerman.com
AKERMAN LLP
420 South Orange Ave., Suite 1200
Orlando, FL 32801
407-423-4000 phone
407-843-6610 fax

**Counsel for Harbor Hills Development and
Harbor Hills HOA**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document was furnished by **email** this 4th day of January, 2018 to:

Troy Rendell
U.S. Water Services Corporation, Inc.
4939 Cross Bayous Boulevard
New Port Richey, Florida 34652
Telephone: (727) 848-8292
Facsimile: (727) 848-7701
Email: Trendell@uswatercorp.net



Samual A. Miller
Florida Bar No.: 34991